

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ALONZO BRADLEY,

11 Plaintiff,

12 v.

13 KEY BANK CORPORATE,

14 Defendant.

CASE NO. C20-1120-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court *sua sponte*. On July 22, 2020, the Honorable Mary
18 Alice Theiler, United States Magistrate Judge, granted Plaintiff's motion to proceed *in forma*
19 *pauperis*. (Dkt. No. 3.)

20 Once a complaint is filed *in forma pauperis*, the Court must dismiss it prior to service if it
21 "fails to state a claim on which relief can be granted." 28 U.S.C. § 1915(e)(2)(b)(ii); *see Lopez v.*
22 *Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000). To avoid dismissal, a complaint must contain
23 sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face.
24 *Ashcroft v. Iqbal*, 556 U.S. 662, 664 (2009). The factual allegations must be "enough to raise a
25 right to relief above the speculative level." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555

1 (2007). The complaint may be dismissed if it lacks a cognizable legal theory or states insufficient
 2 facts to support a cognizable legal theory. *Zixiang v. Kerry*, 710 F.3d 995, 999 (9th Cir. 2013).

3 Plaintiff purports to bring claims arising under the Eighth Amendment, Thirteenth
 4 Amendment, and Fourteenth Amendment against Defendant. (See Dkt. No. 4 at 3.) The Eighth
 5 Amendment provides that “[e]xcessive bail shall not be required, nor excessive fines imposed,
 6 nor cruel and unusual punishments inflicted.” U.S. Const. amend. VIII. The Thirteenth
 7 Amendment provides that “[n]either slavery nor involuntary servitude . . . shall exist within the
 8 United States, or any place subject to their jurisdiction” and grants Congress the power to
 9 enforce the amendment. U.S. Const. amend. XIII. And the Fourteenth Amendment provides,
 10 *inter alia*, that “[n]o State shall make or enforce any law which shall abridge the privileges or
 11 immunities of citizens of the United States; nor shall any State deprive any person of life, liberty,
 12 or property, without due process of law.” U.S. Const. amend XIV.

13 In the statement of claim section of his complaint, Plaintiff asserts:

14 Disputes refused to adhere to the evidence that proved my immediate approval for
 15 compensations regarding a conspired attempt to steal money by businesses in
 16 several communities by attempting with law enforcement in refusing to investigate
 17 and arrest with audio/video evidence and court docs as support that are still
 18 available with honest intention to carryout their job descript. to compensate. falsely
 reported my name to creditors unlawfully in hopes of selling my personal identity
 to the black market participants . Caused significant losses to my finances, property
 and business credit approvals.”

19 (Dkt. No. 4 at 5.)¹ Other sections of Plaintiff’s complaint reference, among other alleged harms,
 20 illegal incarceration attempts, fraudulent investigations, harassment, hate crimes, and various
 21 conspiracies. (See generally *id.*) Plaintiff’s Eighth Amendment and Fourteenth Amendment
 22 claims fail because he fails to allege that Defendant, a private corporation, is a governmental
 23 actor. *See Taggart v. Moody’s Inv’rs Serv., Inc.*, 2007 WL 2076980, slip op. at 4 (S.D.N.Y.
 24 2007) (citing *Lugar v. Edmondson Oil Co., Inc.*, 457 U.S. 922, 923–24 (1982); *Spaziano v.*

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 26 ¹ Plaintiff’s complaint is quoted verbatim.

Florida, 468 U.S. 447, 471 (1984)) (“The eighth amendment and the due process clause of the fourteenth amendment are directed solely against action on the part of a state or the federal government.”). And Plaintiff’s Thirteenth Amendment claim fails because he has not offered factual allegations sufficient to establish a plausible claim that he has been subjected to involuntary servitude. *See United States v. Kozminski*, 487 U.S. 931, 942–44 (1988) (collecting cases). Therefore, Plaintiff’s complaint does not assert a cognizable legal theory or sufficient facts to support a cognizable claim. *See Zixiang*, 710 F.3d at 999.

Although the Court finds that the complaint fails to state a claim upon which relief can be granted, the Court will not dismiss a case unless “it is absolutely clear that no amendment can cure the [complaint’s] defect[s].” *Lucas v. Dep’t of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995). Accordingly, the Court ORDERS that Plaintiff file an amended complaint curing the defects identified by the Court no later than 14 days from the date this order is issued. The Clerk is DIRECTED to mail a copy of this order to Plaintiff.

DATED this 5th day of August 2020.

William M. McCool
Clerk of Court

s/Tomas Hernandez
Deputy Clerk